

PART 5

PUBLICIZING CONTRACT ACTIONS

5.002 Policy.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
Contracting officers shall publicize contract actions in order to—	Contracting officers shall publicize contract actions in order to—
(a) Increase competition;	(a) Increase competition;
(b) Broaden industry participation in meeting Government requirements; and	(b) Broaden industry participation in meeting Government requirements; and
(c) Assist small business concerns, small disadvantaged business concerns, and labor surplus area concerns in obtaining contracts and subcontracts.	(c) Assist small business concerns, small disadvantaged business concerns, and women-owned small business concerns in obtaining contracts and subcontracts. [FAC 90-32]

5.101 Methods of disseminating information.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
The Commerce Business Daily (CBD) is the public notification media by which U.S. Government agencies identify proposed contract actions and contract awards. The CBD is published in five or six daily editions weekly, as necessary.	The Commerce Business Daily (CBD) is the public notification media by which U.S. Government agencies identify proposed contract actions and contract awards. The CBD is published in five or six daily editions weekly, as necessary.
(a) As required by the Small Business Act (15 U.S.C. 637(e)) and the Office of Federal Procurement Policy Act (41 U.S.C. 416), contracting officers shall disseminate information on proposed contract actions as follows:	(a) As required by the Small Business Act (15 U.S.C. 637(e)) and the Office of Federal Procurement Policy Act (41 U.S.C. 416), contracting officers shall disseminate information on proposed contract actions as follows:
(1) For contract actions expected to exceed the small purchase limitation in 13,000, by synthesizing in the Commerce Business Daily (CBD) (see section 5.201); and	(1) For proposed contract actions expected to exceed \$25,000 , by synthesizing in the Commerce Business Daily (CBD) (see 5.201); and
(2) For proposed contract actions expected to exceed \$10,000 (\$5,000 for Defense activities), but not expected to exceed \$25,000, by displaying in a public place at the contracting office issuing the solicitation, an unclassified notice of the solicitation or a copy of the solicitation satisfying the require-	(2) For proposed contract actions expected to exceed \$10,000 (\$5,000 for Defense activities), but not expected to exceed \$25,000, by displaying in a public place at the contracting office issuing the solicitation, an unclassified notice of the solicitation or a copy of the solicitation satisfying the require-

ments of 5.207(c) and (f). Such information shall be posted not later than the date the solicitation is issued and remain posted for at least 10 days ~~regardless of the date of award. Such information shall remain posted until after offers have been opened.~~

(i) If solicitations are posted in lieu of a notice, various methods of satisfying the requirements of 5.207(c) and (f) may be employed. For example, the requirements for 5.207(c) and (f) may be met by stamping the solicitation, by a cover sheet to the solicitation, or by placing a general statement in the display room.

(ii) The contracting officer need not comply with the display requirements ~~set forth above~~ when the exemptions at 5.202(a)(1), (5) through (9), or (11) apply, or when oral solicitations are used.

(iii) Contracting officers shall post solicitations expected to exceed \$25,000 if required by agency regulations.

ments of 5.207(c) and (f). **The notice shall include a statement that all responsible sources may submit a quotation which, if timely received, shall be considered by the agency.** Such information shall be posted not later than the date the solicitation is issued, and **shall remain posted for at least 10 days or until after quotations have been opened, whichever is later. Electronic dissemination available to the public at the contracting office may be used to satisfy the public display requirement.**

(i) If solicitations are posted in lieu of a notice, various methods of satisfying the requirements of 5.207(c) and (f) may be employed. For example, the requirements for 5.207(c) and (f) may be met by stamping the solicitation, by a cover sheet to the solicitation, or by placing a general statement in the display room.

(ii) The contracting officer need not comply with the display requirements **of this section** when the exemptions at 5.202(a)(1), (5) through (9), or (11) apply, or when oral **or FACNET** solicitations are used. **The exemption from display requirements does not relieve the contracting officer from the responsibility to consider all quotations timely received from responsible sources.**

(iii) Contracting officers shall post solicitations expected to exceed \$25,000 if required by agency regulations.

(iv) Contracting offices utilizing electronic systems for public posting shall periodically publicize the methods for accessing such information. [FAR 90-29]

5.102 Availability of solicitations.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
(a) The contracting officer shall— * * * * *	(a) The contracting officer shall— * * * * *
(4) In addition to the methods of disseminating proposed contract information in 5.101(a) and (b), provide, upon request to small business concerns, as required by 15 U.S.C. 637(b)—	(4) In addition to the methods of disseminating proposed contract information in 5.101(a) and (b), provide, upon request to small business concerns, as required by 15 U.S.C. 637(b)—

(i) A copy of the solicitation and specifications;
* * * * *

(i) A copy of the solicitation and specifications. In the case of solicitations disseminated by electronic data interchange, solicitations may be furnished directly to the electronic address of the small business concern. [FAC 90-29]
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5.202 Exceptions.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
The contracting officer need not submit the notice required by 5.201 when—	The contracting officer need not submit the notice required by 5.201 when—
(a) The contracting officer determines that— * * * *	(a) The contracting officer determines that— * * * *
(6) The contract action is an order placed under a requirements contract; * * * *	(6) The contract action is an order placed under Subpart 16.5 ; [FAC 90-33] * * * *
(11) * * * *; or	(11) * * * *; or
(12) * * * *. * * * *	(12) * * * *.
	(13) The contract action is for an amount expected to exceed \$25,000 but not expected to exceed the simplified acquisition threshold and is made by a contracting activity that has been certified as having implemented a system with interim (until December 31, 1999) or full (after December 31, 1999) FACNET and the contract action will be made through FACNET; [FAC 90-29]
	(14) The contract action is for an amount at or below \$250,000 and is made through certified FACNET after Governmentwide FACNET has been certified. This exception does not apply when the contract action is not made through certified FACNET (see Subpart 4.5) ; or [FAC 90-29]
	(15) The contract action is made under conditions described in 6.302-3 with respect to the services of an expert to support the Federal Government in any current or anticipated litigation or dispute. [FAC 90-31] * * * * *

5.203 Publicizing and response time.

FAR as of FAC 90-25

Whenever agencies are required to publish notice of contract actions under 5.201, they shall proceed as follows:

(a) A notice of ~~the~~ contract action shall be published in the CBD at least 15 days before issuance of a solicitation.

(b) ~~Agencies shall allow at least 30 days' response time for receipt of bids or proposals from the date of issuance of a solicitation.~~

(c) ~~Agencies shall allow at least 30 days' response time from the date of publication of a proper notice of intent to contract for architect-engineer services or before issuance of an order under a basic ordering agreement or similar arrangement.~~

* * * * *

~~—(e) Agencies shall allow at least 30 days' response time from the date of publication of a proper notice of intent to contract for architect-engineer services or before issuance of an order under a basic ordering agreement or similar arrangement.~~

~~—(d) Agencies shall allow at least 45 days' response time for receipt of bids or proposals from the date of publication of the notice required in~~

FAR as revised

Whenever agencies are required to publish notice of contract actions under 5.201, they shall proceed as follows:

(a) A notice of contract action shall be published in the CBD at least 15 days before issuance of a solicitation **except when the combined CBD synopsis/solicitation procedure for acquisition of commercial items is used** (see 12.603). [FAC 90-32]

(b) **The contracting officer shall establish a solicitation response time which will afford potential offerors a reasonable opportunity to respond for (1) each contract action, including actions via FACNET, in an amount estimated to be greater than \$25,000, but not greater than the simplified acquisition threshold; or (2) each contract action for the acquisition of commercial items in an amount estimated to be greater than \$25,000 (see Part 12). The contracting officer should consider the circumstances of the individual acquisition, such as the complexity, commerciality, availability, and urgency, when establishing the solicitation response time.** [FAC 90-32]

(c) **Except for the acquisition of commercial items (see 5.203(b)), agencies shall allow at least a 30-day response time for receipt of bids or proposals from the date of issuance of a solicitation, if the contract action is expected to exceed the simplified acquisition threshold.** [FAC 90-32]

* * * * *

(d) Agencies shall allow at least a 30 day response time from the date of publication of a proper notice of intent to contract for architect-engineer services or before issuance of an order under a basic ordering agreement or similar arrangement if the contract action is expected to exceed the simplified acquisition threshold. [FAC 90-32]

(e) Agencies shall allow at least a 45 day response time for receipt of bids or proposals from the date of publication of the notice required in

5.201 for contract actions categorized as research and development.

5.201 for contract actions categorized as research and development if the contract action is expected to exceed the **simplified acquisition** threshold. [FAC 90-32]

5.207 Preparation and transmittal of synopses.

FAR as of FAC 90-25

- (c) *General format for Item 17, "Description."*
(1) Prepare a clear and concise description of the supplies or services that is not unnecessarily restrictive of competition and will allow a prospective offeror to make an informed business judgment as to whether a copy of the solicitation should be requested.
(2) Do not include In Item 17 the CBD supply or service classification code from Item 6.

- ~~(xi)~~*****
(xii) Numbered notes (see 5.207(e)), including instructions for set-asides for small businesses and labor surplus area concerns.
(xiii) In the case of contract actions under Subpart 6-3, insert a statement of the reason justifying other than full and open competition, and identify the intended source(s) (see 5.207(e)(3)).
~~(xiv)~~*****
~~(xv)~~*****

- (d) *Set-asides.* When the proposed acquisition provides for a total or partial small business or labor surplus area (LSA) set aside, the appropriate CBD Numbered Note will be cited.

FAR as revised

- (c) *General format for Item 17, "Description."*
(1) Prepare a clear and concise description of the supplies or services that is not unnecessarily restrictive of competition and will allow a prospective offeror to make an informed business judgment as to whether a copy of the solicitation should be requested.
(2) Do not include In Item 17 the CBD supply or service classification code from Item 6.

(xi) For a contract action in an amount estimated to be greater than \$25,000 but not greater than the simplified acquisition threshold, enter (A) a description of the procedures to be used in awarding the contract (e.g., request for oral or written quotation or solicitation), and (B) the anticipated award date. [FAC 90-29]
(xii)*****
(xiii) Numbered notes (see 5.207(e)), including instructions for set-asides for small businesses. [FAC 90-32]
(xiv) In the case of **noncompetitive** contract actions, insert a statement of the reason justifying other than full and open competition, and identify the intended source(s) (see 5.207(e)(3)). [FAC 90-29]
(xv)*****
(xvi)*****
(xvii) **If the solicitation will be made available to interested parties through electronic data interchange, provide any information necessary to obtain and respond to the solicitation electronically.** [FAC 90-29]

- (d) *Set-asides.* When the proposed acquisition provides for a total or partial small business set aside, the appropriate CBD Numbered Note will be cited. [FAC 90-32]

(e) *Numbered Notes.*

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(e) *Numbered Notes.*

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(4) If, under the proposed acquisition, the Government does not intend to acquire a commercial item using Part 12, the synopsis shall refer to Numbered Note 26. [FAC 90-32]

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5.301 General.

FAR as of FAC 90-25

(a) Except for contract actions described in paragraph (b) of this section, contracting officers shall synopsise in the Commerce Business Daily (CBD) awards exceeding \$25,000 that (1) are subject to the Trade Agreements Act (see 25.402 and 25.403), or (2) are likely to result in the award of any subcontracts. However, the dollar threshold is not a prohibition against publicizing an award of a smaller amount when publicizing would be advantageous to industry or to the Government.

(b) A notice is not required under paragraph (a) of this section if—

* * * * *

(4) The contract action is an order placed under a ~~requirements contract~~;

* * * * *

(5) * * * * *; ~~or~~

(6) The award is for utility services, other than telecommunications services, and only one source is available.

FAR as revised

(a) Except for contract actions described in paragraph (b) of this section, contracting officers shall synopsise in the Commerce Business Daily (CBD) awards exceeding \$25,000 that (1) are subject to the Trade Agreements Act (see 25.402 and 25.403), or (2) are likely to result in the award of any subcontracts. However, the dollar threshold is not a prohibition against publicizing an award of a smaller amount when publicizing would be advantageous to industry or to the Government.

(b) A notice is not required under paragraph (a) of this section if—

* * * * *

(4) The contract action is an order placed under **Subpart 16.5**; [FAC 90-33]

* * * * *

(5) * * * * *;

(6) The award is for utility services, other than telecommunications services, and only one source is available; **or**

(7) The contract action is for an amount greater than \$25,000 but not greater than the simplified acquisition threshold, the contract action is made by a contracting office that has been certified as having implemented a system with interim (until December 31, 1999) or full (after December 31, 1999) FACNET, and the contract action has been made through FACNET; or [FAC 90-29]

(8) The award is for the services of an expert to support the Federal Government in any current or anticipated litigation or dispute pursuant to the exception to full and open competition authorized at 6.302-3. [FAC 90-31]

5.404 Release of long-range acquisition estimates.

5.404-1 Release procedures.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
(a) * * * * *	(a) * * * * *
(b) <i>Conditions.</i> The agency head shall ensure that— * * * * *; and	(b) <i>Conditions.</i> The agency head shall ensure that— * * * * *; and
(6) Each release— * * * * *	(6) Each release— * * * * *
(ii) Contains, if applicable, a statement that small business or LSA set-asides may be involved, but that a determination can be made only when acquisition action is initiated; and * * * * *	(ii) Contains, if applicable, a statement that small business set-asides may be involved, but that a determination can be made only when acquisition action is initiated; and [FAC 90-32] * * * * *

5.503 Procedures.

<i>FAR as of FAC 90-25</i>	<i>FAR as revised</i>
(a) <i>General.</i> Orders for paid advertisements may be placed directly with the media or through an advertising agency. Contracting officers shall give small and disadvantaged business concerns maximum opportunity to participate in these acquisitions.	(a) <i>General.</i> Orders for paid advertisements may be placed directly with the media or through an advertising agency. Contracting officers shall give small, small disadvantaged and women-owned small business concerns maximum opportunity to participate in these acquisitions. [FAC 90-32]
(b) <i>Rates.</i> * * * * *	(b) <i>Rates.</i> * * * * *
(c) <i>Forms.</i> (1) When contracting directly with the media for advertising, contracting officers shall— (i) Use Standard Form 26, Award/Contract, or Standard Form 1447, Solicitation/Contract, when the dollar amount of the acquisition exceeds the small purchase dollar limitations (see 13.000) ; or (ii) Use Optional Form 347, Order for Supplies or Services, or an approved agency form, when the dollar amount of the acquisition does not exceed the small purchase dollar limitations (see 13.000) . * * * * *	(c) <i>Forms.</i> (1) When contracting directly with the media for advertising, contracting officers shall— (i) Shall use Standard Form 26, Award/Contract, or Standard Form 1447, Solicitation/Contract, when the dollar amount of the acquisition exceeds the simplified acquisition threshold ; or [FAC 90-29] (ii) May use Optional Form 347, Order for Supplies or Services, or an approved agency form, when the dollar amount of the acquisition does not exceed the threshold for use of simplified acquisition procedures (see Part 13) . [FAC 90-29] * * * * *